

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

KIPP GIBBS, individually and on  
behalf of all other similarly situated,

Plaintiff,

v.

SLM CORPORATION, SALLIE MAE  
SERVICING L.P., NELLIE MAE, USA  
FUNDS, and GENERAL REVENUE  
CORPORATION,

Defendants.

Civil Action No. 03-CV-12565-PBS

**DEFENDANTS' MOTION FOR A FIVE-DAY  
POSTPONEMENT OF HEARING ON DEFENDANTS' MOTION TO DISMISS**

The Defendants SLM Corporation, Sallie Mae Servicing, L.P., Nellie Mae, United Student Aid Funds, Inc ("USA Funds"), and General Revenue Corporation (collectively the "Defendants") hereby move for a one week continuance for the hearing on the Defendants' Motion to Dismiss. The grounds for this motion are as follows:

1. The Defendants' undersigned counsel, Matthew N. Kane, will be out-of-state on March 19, 2004 and unable to attend the scheduled hearing date.
2. The undersigned is available on Wednesday March 24, 2004 or Thursday, March 25, 2004, or any date thereafter during the weeks of March 29, 2004 or April 5 2004 or any other date thereafter at the Court's convenience.
3. Pursuant to Local Rule 7.1(a)(2), the undersigned conferred with the *pro se* Plaintiff, Kipp R. Gibbs ("Mr. Gibbs"), in an effort to gain his assent to this motion

to identify a mutually acceptable date to reschedule this matter. Mr. Gibbs declined to assent.

4. The Plaintiff will not be prejudiced by a five-day postponement of the hearing on the Motion to Dismiss.

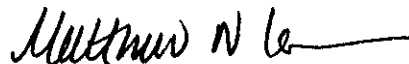
WHEREFORE, the Defendants respectfully request that the hearing date on their pending Motion to Dismiss be rescheduled for March 24, 2004 or March 25, 2004 or any date thereafter at the Court's convenience.

Dated: March 2, 2004

Respectfully submitted,

SALLIE MAE DEFENDANTS

By their attorneys,



Peter E. Gelhaar (BBO #188310)  
Matthew N. Kane (BBO #636801)  
Donnelly, Conroy & Gelhaar, LLP  
One Beacon Street, 33<sup>rd</sup> Floor  
Boston, MA 02108  
(617) 720-2880

**CERTIFICATE OF SERVICE**

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by ~~mail~~ <sup>or by hand</sup> ~~by hand~~

Date: 3/2/04 

**Local Rule 7.1(a)(2) Certification**

I, Matthew N. Kane, hereby certify that, on March 1, 2004, I spoke with Plaintiff in a good faith attempt to narrow or resolve the issues presented by this motion. Unfortunately, the parties were unable to reach any agreement or otherwise resolve the matters at issue.



Matthew N. Kane (BBO #636801)